

Message Text

CONFIDENTIAL

PAGE 01 USUN N 02465 172350Z

13

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 SSO-00 NSCE-00 CIAE-00 DODE-00

PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SP-03 SS-20 USIA-15 AF-10 ARA-16 EA-11 NEA-14

DRC-01 ACDA-19 /186 W

----- 026001

R 172252Z JUL 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 4733

INFO AMEMBASSY NICOSIA

C O N F I D E N T I A L USUN 2465

E.O. 11652: GDS

TAGS: UN CY

SUBJ: POSSIBLE APPEARANCES OF MAKARIOS AND ROSSIDES BEFORE
SECURITY COUNCIL -- PARLIAMENTARY AND PROCEDURAL
QUESTIONS

1. SUMMARY. A REQUEST BY MAKARIOS TO ADDRESS THE SECURITY
COUNCIL WOULD ALMOST CERTAINLY BE GRANTED IF RECEIVED
TODAY OR IN THE IMMEDIATELY SUCCEEDING DAYS, AS WOULD A
REQUEST FOR A FURTHER HEARING BY (FORMER) CYPRIOT
PERMREP ROSSIDES.

2. DETAILS. IF MAKARIOS ASKS TO BE HEARD IN SITUATION
EXISTING TODAY OR IMMEDIATELY FOLLOWING TIME FRAME, SC
WOULD BE LIKELY TO GRANT HIS REQUEST. REQUEST WOULD BE
SIGNED BY MAKARIOS AS PRESIDENT OF CYPRUS; AT THIS MOMENT
THERE SEEMS TO BE NO SC MEMBER WHO WOULD STIMULATE A
PUBLIC PROCEDURAL DEBATE OVER WHETHER MAKARIOS CONTINUES
TO BE PRESIDENT.

3. THE SC COULD DECIDE TO HEAR MAKARIOS AND NOT TROUBLE
TO INDICATE UNDER WHICH OF ITS RULES OF PROCEDURE IT
WAS ACTING. INDEED, SPECIFICITY IN THIS REGARD WOULD
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 02465 172350Z

ALMOST CERTAINLY APPEAR UNDESIRABLE TO THE PERUVIAN

SC PRESIDENT SINCE THE ONLY APPARENT CHOICES ARE RULE 37, WHICH CONCERNS HEARINGS OF ANY UN MEMBER WHICH IS NOT AN SC MEMBER, A RULE 39, WHICH CONCERNS PERSONS WHOM THE SC "CONSIDERS COMPETENT FOR THE PURPOSE TO SUPPLY IT WITH INFORMATION OR TO GIVE OTHER ASSISTANCE IN EXAMINING MATTERS WITHIN ITS COMPETENCE." (THE SC USED RULE 39 TO HEAR DOMINICAN REPUBLIC REPS IN 1965.) THERE IS HERE AMPLE OPPORTUNITY FOR INITIATIVE BY SOVIETS OR NON-ALIGNED WHO COULD URGE THAT THE SC TAKE AN EXPLICIT DECISION TO HEAR MAKARIOS UNDER RULE 37, THEREBY HAVING THE SC IN EFFECT TAKE THE POSITION OF CONTINUING TO TREAT MAKARIOS AS THE CHIEF OF STATE AND THE SAMPSON FORCES AS HAVING NO LEGITIMATE CLAIM TO THE EXERCISE OF GOVERNMENTAL AUTHORITY.

4. CHIEFS OF STATE APPEAR BEFORE THE UN PRINCIPALLY AT THE GA; THEY NEVER PRESENT CREDENTIALS. THE SC HAS HEARD CHIEFS OF STATE BUT RARELY AND THERE HAS NEVER BEEN ANY CONTROVERSY IN THOSE CASES. (OULD DADDAH SPOKE ON BEHALF OF THE OAU RE NAMIBIA IN SEPT 1971: HAILE SELLASIE SPOKE AS CHIEF OF STATE OF ETHIOPIA, WHICH WAS ACTING AS HOST FOR THE ADDIS ABABA SC MEETINGS IN JAN-FEB 1972: AND, AT THE SAME MEETINGS, OULD DADDAH ALSO SPOKE.) CONSEQUENTLY NEITHER THE SYG NOR THE SC WOULD ASK MAKARIOS FOR CREDENTIALS.

5. THE SITUATION COULD CHANGE IF THE SAMPSON AUTHORITIES HAD APPOINTED A REPRESENTATIVE WHO WAS PHYSICALLY PRESENT IN NYC AND WHO WAS SEEKING TO PRESENT CREDENTIALS TO THE SYG AS THE NEW CYPRIOT PERMREP VICE AMB ROSSIDES. WHILE AS A MATTER OF PRACTICE THE SYG, QUITE APPROPRIATELY, ALMOST NEVER CONSULTS ANYONE WITH REGARD TO EFFICACY OF CREDENTIALS OF A UN MEMBER'S NEWLY-APPOINTED PERMREP, WALDHEIM WOULD SEEM SURE TO DO SO IN THE CURRENT CASE. WE THINK HE WOULD BE LIKELY TO CONSULT SC MEMBERS INFORMALLY: HE WOULD NOT WANT TO PLACE THIS KIND OF CREDENTIALS QUESTION FORMALLY BEFORE THE COUNCIL BECAUSE OF THE UNDESIRABILITY OF SETTING A PRECEDENT OF SO POTENTIALLY DISRUPTIVE A CHARACTER; ON OTHER HAND, HE COULD NOT SAFELY AVOID CONSULTING WITH THE SC MEMBERS IN VIEW

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 02465 172350Z

OF THE UN'S INVOLVEMENT IN CYPRUS. RESULT COULD BE THAT DURING CONSULTATIONS, AND FOR SOME TIME, THE WOULD-BE ROSSIDES SUCCESSOR WOULD BE UNABLE TO SPEAK BEFORE THE SC (OR ANY OTHER UN ORGAN) AND, POSSIBLY, ROSSIDES MIGHT CONTINUE TO ACT IN THE NAME OF CYPRUS IN BY ANALOGY TO OR IN "THE SPIRIT" OF SC RULE 17 WHICH STATES THAT "ANY REPRESENTATIVE ON THE SECURITY COUNCIL, TO WHOSE CREDENTIALS OBJECTION HAS BEEN MADE WITHIN THE SECURITY COUNCIL,

SHALL CONTINUE TO SIT WITH THE SAME RIGHTS AS OTHER REPRESENTATIVES UNTIL THE SC HAS DECIDED THE MATTER." (THE SC ALLOWED THE ROYALIST IRAQI REP TO ADDRESS THE COUNCIL FOR SOME TWO WEEKS IN LATE JULY 1958 FOLLOWING THE MURDER OF THE KING AND THE ACCESSION OF THE REVOLUTIONARY GOVERNMENT IN LATE JULY 1958; EVENTUALLY, ON AUG 6 HAMMARSKJOLD REPORTED TO THE SC THAT HE HAD BEEN INFORMED BY THE IRAQI FM IN BAGHDAD THAT THE GOI CONSIDERED THE ARAB UNION NULL AND VOID, BY JORDANIAN FM THAT THE ARAB UNION WAS IN ABEYANCE, AND THAT, CONSEQUENTLY, HE CONSIDERED THE CREDENTIALS OF THE NEW REP IN ORDER. THE NEW IRAQI REP TOOK A SEAT ON THE SC ON AUG 7.)

6. IF ROSSIDES ASKED TO ADDRESS THE SC IN CURRENT TIME FRAME, NO COUNCIL MEMBER WOULD SEEM LIKELY TO RAISE OR PERSIST IN OBJECTION, AND ROSSIDES WOULD BE HEARD. IF PRE-MEETING CONSULTATIONS REVEALED DOUBTS, PERUVIAN PRESIDENT WOULD PROBABLY TRY TO SMOOTH WAY BY INFORMING SC THAT ROSSIDES WOULD BE HEARD "UNDER THE APPROPRIATE RULES OF PROCEDURE", THUS INTENTIONALLY LEAVING IT UNCLEAR WHETHER HEARING IS OF PERMREP OF A UN MEMBER NOT AN SC MEMBER IN ACCORDANCE WITH RULE 37 -- THIS WAS THE CASE AT THE JULY 16 SC SITTING -- OR WHETHER THE COUNCIL'S DECISION FURTHER TO HEAR ROSSIDES IS WITHOUT PREJUDICE TO REPRESENTATION QUESTIONS AND IN THE SPIRIT OF RULE 17. THERE ARE CONSIDERABLE OPPORTUNITIES FOR PROCEDURAL DEBATE IF SC MEMBERS WISH.

7. AGAIN, THE SITUATION WOULD BE MORE COMPLICATED IF A SAMPSON ASPIRANT WERE ON THE SCENE SEEKING TO PRESENT CREDENTIALS TO THE SYG. AS ABOVE, THE SYG WOULD PRESUMABLY SEEK CONSULTATIONS WITH SC MEMBERS, THESE COULD BE CONSIDERABLY PROTRACTED, AND, GIVEN THE CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USUN N 02465 172350Z

COMPOSITION OF THE SC, THE COUNCIL WOULD LIKELY DECIDE TO HEAR ROSSIDES IN THE INTERIM.

8. IF ANY OF THESE QUESTIONS WERE TO BECOME THE SUBJECT OF DISPUTE IN THE COUNCIL, THEY WOULD BE SUBJECT TO VOTING. HEARINGS BEING CLEARLY "PROCEDURAL" IN CHARACTER, AFFIRMATIVE ACTION WOULD REQUIRE NINE VOTES AND WOULD NOT BE SUBJECT TO VETO.

9. COMMENT: WE BELIEVE THAT ANY OBJECTION TO MAKARIOS' REQUEST TO BE HEARD UNDER PRESIDENTIAL TITLE WOULD FAIL, GIVEN PRESENT COMPOSITION OF COUNCIL. UKUN AGREES.
SCALI

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CREDENTIALS PRESENTATION, DIPLOMATIC PROTOCOL
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN02465
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740192-0996
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740740/aaaabhvd.tel
Line Count: 167
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 01 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 JUL 2002 by elyme>; APPROVED <26-Sep-2002 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: POSSIBLE APPEARANCES OF MAKARIOS AND ROSSIDES BEFORE SECURITY COUNCIL -- PARLIAMENTARY AND PROCEDURAL
TAGS: AORG, PFOR, CY, UNSC, (ROSSIDES, ZENON), (MAKARIOS, ARCHBISHOP)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005